

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
2000 Biennial Regulatory Review --	)	CC Docket No. 00-229
Telecommunications Service Quality	)	
Reporting Requirements	)	

**REPLY COMMENTS OF THE MARYLAND PUBLIC SERVICE COMMISSION**

On November 9, 2000, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM)<sup>1</sup>, seeking comment on proposals to streamline the current method of quarterly service quality reporting by large local telephone companies. The NPRM proposes to eliminate 24 of 30 reporting categories in order to reduce the regulatory burden on carriers and make reported information more relevant and more easily accessible to consumers. The NPRM also seeks comment on whether additional information on advanced services would be of benefit and whether customers should have access to service quality data from carriers other than ILECs.

The Public Service Commission of Maryland submits these reply comments in support of the comments filed by NARUC. The Maryland PSC supports maintaining the current level of carrier reporting, at least until the next biennial review, supports the NARUC Resolution on Telephone Service Quality Reporting as adopted in November 2000, and the NARUC Service Quality White Paper and accompanying resolution adopted in November 1998.

### **Service Quality and Competition**

In Paragraph 2 of the NPRM, the Commission states that there is a need to "review all regulations that apply to the operations and activities of any provider of telecommunications service and determine whether any of these regulations are no longer necessary in the public interest as the result of meaningful economic competition between providers of the service." The Maryland PSC supports the Commission in its efforts to relieve carriers of regulatory burdens in the form of unnecessary reporting requirements. However, the proposal to eliminate these reports at this time is premature. If the premise is that meaningful economic competition between providers must exist in order to ensure acceptable levels of service quality, we believe that it is far too early to judge whether the market has reached a point where it will dictate the appropriate level of service quality. The FCC's own report on local telephone competition, released in December of 2000, shows CLECs providing, on average, service to less than 7% of the nation's end user lines.<sup>2</sup> In the states with the highest levels of competitive providers, New York and Kansas, the percentage is just 16. In Maryland, the percentage is only 3. For 97% of the customers in Maryland, particularly residential customers, the service provider is the ILEC.

This translates to the ILEC being, in essence, the monopoly provider for much of the state of Maryland. Regulation came into being because of a need for government to oversee the activities of monopolies with regard to both price and service quality. Therefore, the Maryland PSC suggests that until the level of competition can be more

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<sup>1</sup> *Notice of Proposed Rulemaking*, CC Docket No. 00-229, FCC 00-399, released Nov. 9, 2000.

<sup>2</sup> *Local Telephone Competition: Status as of June 30, 2000*, FCC, Table 1 (rel. December, 2000)

fully developed in our State, particularly in the residential market, this examination of reporting requirements is an exercise best postponed until a later date.

### **Consumer Protection and Access to Information**

The Commission states that its desire to make the reported information of greater use to the consumers is one of its main rationales for proposing to reduce the number of reporting categories. While this goal is laudable, the data collected by the FCC is also used by state regulators, academics, utility analysts and other professionals. For example, data provided in the ARMIS report 43-05 would be impossible for any one state to collect without this federal reporting requirement. The consistency of the national data makes possible longitudinal analysis over time and allows state regulators to compare service quality across states and RBOCs. Such reports also offer ratepayers, consumer advocates and state regulators an information source independent of the ILECs which is available and accessible. The Maryland PSC respectfully requests that the Commission retain at this time the majority of reports it is considering for elimination. Specifically, all categories currently included in Tables I, II, III, IV, IVA and V of FCC Report 43-05 should be retained.

Regarding the specific reports identified in the NPRM, the Maryland PSC offers these comments.

*Missed Installations:* The Maryland PSC supports the continuation of all the current reports and the addition of reporting the percentage of missed installations.

*Installation Intervals:* The Maryland PSC supports the continuation of all the current categories and the addition of a category indicating the number of orders completed within 5 business days and 10 business days.

*Trouble Reports:* The Maryland PSC supports maintaining all current reports.

*Out-of-Service Troubles:* The Maryland PSC supports maintaining all current reports, not just out-of-service. Most states have regulations requiring the repair of out-of-service problems within 24 hours but may have no regulations regarding other types of repair. The time interval under which companies are able to remedy problems other than out-of-service ones is of interest to regulators and consumers alike.

*Missed Repair Appointments:* The Maryland PSC agrees with the Commission that collecting information about missed repair appointments offers insight into the quality of a carrier's plant and workforce and thus supports collecting this information from carriers.

*Repair Intervals:* The Maryland PSC supports maintaining the current measure reported in average number of hours and in addition, adding a measure indicating the number and percent of problems repaired within 24 hours.

*Other Types of Information:* Measuring the period of time a customer has to wait on hold before speaking to a customer service representative may be useful in determining the ability of the company to provide adequate service. The Maryland PSC believes that if this information is readily collectible, then it should be reported.

*Broadband services:* The Maryland PSC agrees with the Commission that there is a need to gather information on service quality in the provision of advanced services. Since many CLECs are competing with ILECs to provide these services, unbiased, easily

available, factual information would be beneficial to both consumers and regulators. Several of the reporting categories of interest as well as measurement standards for them can be found in Operation Support Services testing procedures. Consumers as well as regulators need to know the time it takes the company to provide service once an order has been placed, particularly DSL service, trouble reports in relationship to number of lines provisioned for the service, and average time of repair.

*Disaggregation of Information:* The Maryland PSC supports the current practice of separate reports for business and residential data and for urban and non-urban data. Aggregation of data makes thorough analysis impossible. Specifically, it makes it more difficult to determine if classes of customers are receiving disparate treatment.

*Types of Reporting Entities:* The Maryland PSC supports the collection of the current categories on FCC Report 43-05 for all carriers, including CLECs and rural ILECs. This would certainly provide a more meaningful level of service quality comparison among urban, rural and competitive carriers than is now available. Given the current level of competition, carriers are not likely to provide complete information voluntarily.

Regarding the issue of the cost and burdens of such reporting to both CLECs and rural ILECs, the Commission should keep in mind that tracking outages, service problems and repairs are necessary activities for any telecommunications business in order to maintain, correct or substantially change a business plan. Therefore, requiring carriers to report the information requested in FCC Report 43-05 would not appear to be overly burdensome.

The NPRM also seeks comment on whether carriers should be relieved of all mandatory reporting obligations under certain circumstances, and if so, when. The Maryland PSC maintains that currently there are no circumstances under which a carrier should be relieved of its federal reporting obligation. In addition, such an omission in records would make state by state or region by region comparisons of companies' service quality performance difficult if not impossible.

The NPRM also notes that resellers and competitors that purchase network elements from an ILEC have no control over the service quality of the resold service or the purchased elements. With this in mind, the NPRM requests commenters to discuss how service quality measures could take into account problems due to the conduct of the ILECs. The Maryland PSC is pleased that the Commission has requested comments on the reporting of the quality of service an ILEC provides a CLEC. This is an area of great concern to state regulators because of its impact on competition. The specific measurements to be reported should be chosen to aid regulators in determining where barriers exist that are hindering the entrance of CLECS into the market. The standards for such measurements are largely contained in the standards used in OSS testing. The Maryland PSC supports creating a new table for reporting such measurements and recommends that a consortium of ILECs, CLECs, federal and state regulators be formed to identify the measurements to be reported.

### **Frequency of Reporting**

Given the speed with which the industry and the market are changing, customers will be better protected if service quality data is reported more frequently than the current annual reporting of ARMIS. The Maryland PSC supports a program in which data is collected monthly and reported on a quarterly basis, as recommended by the 1998 NARUC white paper. In support of this suggestion, the Maryland PSC points out that aggregation of service quality data over an entire study area for a whole year makes it difficult to identify trends and subsequently take corrective action in a timely manner.

### **Network Reliability Data**

The NPRM seeks comment on the continued collection and reporting of network reliability data such as switching outages as a part of ARMIS Report 43-05, Table IV and IV-A. The Maryland PSC thinks it is premature to eliminate these reports and continues to believe that this is useful data. Therefore, the Maryland PSC supports retaining both of these reports at this time.

### **Other Issues**

Another rationale the Commission has offered for reducing the number of reporting categories is to make the information more comprehensible and therefore useful to the general public. The Maryland PSC agrees that several categories currently reported would not be easily recognized by consumers. However, these more esoteric categories are valuable tools to regulators and those academics and industry analysts who participate in the ongoing debate on utility regulation. To dispose of valuable

information in order to make the collected information more easily understandable seems shortsighted. Rather, the Maryland PSC recommends that the Commission consider setting up a separate site to provide service quality information to the general public while continuing to provide ARMIS reports in the current manner .

### **Conclusion**

The Maryland Public Service Commission is pleased to have the opportunity to provide comments on this important issue. We appreciate the efforts of the Commission to review its rules and eliminate unnecessary reporting requirements. At this time, however, we urge the Commission to retain the existing service quality reports, with the additions and exceptions noted herein, until competition in the local telecommunications market is more fully developed.

Respectfully submitted,

The Maryland Public Service Commission  
6 St. Paul Street  
Baltimore, Maryland 21202

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Susan S. Miller  
General Counsel